IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10624 OF 2004

Ulhasnagar Municipal Corpn. & anr. ... Petitioners

V/s

Kum. Shailaja P. Kshirsagar ... Respondent

Mr. Vijay Patil for the petitioners.

Mr. V.N. Tayade for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 10TH JANUARY, 2006

P.C.:

1. Heard learned counsel for both parties. Rule is made returnable forthwith.

2. The petition is aimed against the order passed by the Member, Industrial Court, Thane, dated 31.8.2004 dismissing the revision application and expediting the hearing of the Complaint (ULP) No. 385 of 1997.

3. In the course of the argument, the learned counsel for the respondent brought to my notice the order passed

by the Labour Court dated 23.3.1998 adjudicating an interim application whereby reinstatement order was passed and/or in the alternative it was directed to pay 80% of her wages every month. However, it is submitted that neither the complainant is reinstated nor 80% of her wages are paid as directed pending the revision. However, para 8 of the petition explains the position that the respondent herself gave undertaking in writing in the Industrial Court that she would not file any proceeding in respect of the Labour Court's order dated 23.2.1998 and, therefore, I am not inclined to issue any direction in that regard.

4. However, without going into the merits of the petition, it is to be noted that the Industrial Court itself had issued direction that since the matter was old, the Labour Court was directed to decide the matter expeditiously. However, it appears that said direction had no effect.

5. Therefore, interest of both parties would be served if the direction is made to adjudicate the main complaint expeditiously within time bound programme and hence it is drected that the said Labour Court shall adjudicate the Complaint (ULP) No. 385 of 1997

expeditiously and at any rate within four months from the date of receipt of writ of this Court, after giving opportunity to both sides to participate effectively in the said adjudication.

With this direction, the petition stands disposed of with no order as to costs.

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